

Message Text

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C O N F I D E N T I A L ATHENS 1336

LIMDIS

EO 11652: GDS

TAGS: MARR PFOR GR US

SUBJECT: US-GREEK BASE NEGOTIATIONS - STATUS OF FORCES (SOFA)

REF: A. STATE 32663 (DTG 102232Z FEB 76);

B. STATE 26953 (DTG 040029Z FEB 76)

SUMMARY: THE SOFA SUBGROUP MET ON 11 FEBRUARY AND COMPLETED ITS WORK ON THE DRAFT SOFA. IN THE PROCESS, THE MILITARY TOURIST ISSUE WAS REMOVED FROM THE DRAFT SOFA AND RESOLVED IN A SEPARATE DRAFT EXCHANGE OF NOTES, AND FINAL AGREEMENT WAS REACHED ON THE TEXT OF AN EXCHANGE OF NOTES TO IMPLEMENT THE SOFA. (THE EXCHANGE OF NOTES PROVIDING ACCESS TO VARIOUS FACILITIES FOR EMBASSY/JUSMAGG PERSONNEL WAS PREVIOUSLY AGREED.) THE SOLE MATTER YET TO BE RESOLVED IS THE AMOUNT OF THE ROAD USE TAX WHICH MAY BE IMPOSED ON PRIVATELY-OWNED AUTOMOBILES. THE US DRAFT TAX RELIEF

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AGREEMENT WAS FORMALLY TABLED. END SUMMARY.

1. THE SOFA SUBGROUP MET ON FEBRUARY 11 AND FORMALLY COMPLETED ITS WORK. PURSUANT TO REF A, THE US SIDE PROPOSED AND, AFTER LONG DISCUSSION, THE GREEK SIDE ACCEPTED THE CONCEPT OF REMOVING THE MILITARY TOURIST ISSUE FROM THE DRAFT SOFA AND ACCOMPLISHING ITS RESOLUTION IN A SEPARATE EXCHANGE OF NOTES. THE FOLLOWING TEXT WAS AGREED AD REFERENDUM:

BEGIN TEXT.

EXCELLENCY:

I HAVE THE HONOR TO REFER TO THE "AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF GREECE CONCERNING THE STATUS OF UNITED STATES FORCES IN GREECE," CONCLUDED IN ATHENS ON

I HAVE THE HONOR TO INFORM YOUR EXCELLENCY THAT THE UNITED STATES GOVERNMENT, DESIROUS OF MAINTAINING DISCIPLINE WITHIN ITS ARMED FORCES, PROPOSES THAT AN ARRANGEMENT BE CONCLUDED WITH THE GOVERNMENT OF GREECE IN SUPPLEMENTATION OF THE ABOVE-MENTIONED AGREEMENT IN THE FOLLOWING TERMS.

THE GOVERNMENT OF GREECE AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA AGREE THAT ACTIVE DUTY MILITARY PERSONNEL OF THE ARMED FORCES OF THE UNITED STATES WHO ARE TEMPORARILY IN GREECE ON MILITARY NON-DUTY ORDERS, AND THEIR DEPENDENTS WHO ACCOMPANY THEM, SHALL BE ACCORDED THE TRIAL SAFEGUARDS SET FORTH IN ARTICLE VII, PARAGRAPH 9 OF THE NATO STATUS OF FORCES AGREEMENT. THE TWO GOVERNMENTS AGREE THAT THE UNITED STATES MILITARY AUTHORITIES SHALL BE NOTIFIED PROMPTLY BY THE AUTHORITIES OF THE GOVERNMENT OF GREECE OF THE ARREST BY GREEK AUTHORITIES OF ANY SUCH MEMBER OR DEPENDENT, AND THAT IN SUCH CASES THE ACCUSED SHALL BE ENTITLED TO HAVE A REPRESENTATIVE OF THE UNITED STATES GOVERNMENT PRESENT DURING THE TRIAL AND PRETRIAL PROCEEDINGS.

WITH THE CONCURRENCE OF THE GOVERNMENT OF GREECE, SUCH MEMBERS AND DEPENDENTS SHALL BE ACCORDED THE APPLICATION OF ARTICLE VII OF THE NATO STATUS OF FORCES AGREEMENT AND
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ARTICLES II AND III OF THE ABOVE-MENTIONED AGREEMENT BETWEEN OUR TWO GOVERNMENTS.

IF THE FOREGOING PROVISIONS ARE ACCEPTABLE TO YOUR GOVERNMENT, THIS NOTE AND YOUR EXCELLENCY'S REPLY THERETO INDICATING SUCH ACCEPTANCE SHALL CONSTITUTE THE AGREEMENT OF OUR TWO GOVERNMENTS CONCERNING THIS MATTER.

PLEASE ACCEPT, EXCELLENCY, THE RENEWED ASSURANCES OF
MY HIGHEST CONSIDERATION.
END TEXT.

2. COMMENT: THIS FORMULATION MEETS AND EXCEEDS THE
MINIMUM REQUIREMENTS OF REF A, EVEN IN THE ABSENCE OF
THE PENULTIMATE SUBSTANTIVE PARAGRAPH. SHOULD WASHINGTON
FIND THE PARAGRAPH UNACCEPTABLE, THE GREEK SIDE
WOULD WELCOME ITS DELETION. HOWEVER, SINCE THE GREEKS
HAVE PROVIDED ORAL ASSURANCES OF THEIR INTENTION TO BE
VERY FORTHCOMING IN EXTENDING THE CONCURRENCE CONTEM-
PLATED BY THE PARAGRAPH, WE URGE ITS RETENTION, NOTWITH-
STANDING ITS "DISCRIMINATORY" ASPECTS. END COMMENT.

3. THE PARAGRAPHS OF ARTICLE I WERE AGAIN RENUMBERED TO
CORRESPOND WITH THE DELETION OF THE PRIOR MILITARY TOUR-
IST PARAGRAPH, AND REFERENCE TO SUCH PARAGRAPHS ELSE-
WHERE IN THE TEXT WERE ALTERED ACCORDINGLY. WITH THE
EXCEPTION OF THE MAXIMUM ROAD USE TAX WHICH MAY BE IM-
POSED ON PRIVATELY-OWNED AUTOMOBILES (ARTICLE VII) THE
DRAFT SOFA HAS BEEN FULLY AGREED.

4. AS INSTRUCTED IN REF B, THE US SIDE AGAIN SOUGHT
GREEK ACCEPTANCE OF THE TERMINATION AND DURATION PRO-
VISIONS PREVIOUSLY PROPOSED BY WASHINGTON FOR INCLUSION
IN THE DRAFT EXCHANGE OF NOTES TO IMPLEMENT THE NEW
SOFA. THE GREEKS REMAINED ADAMANT IN THEIR REFUSAL TO
TIE THE DURATION TO THE LIFE OF THE NORTH ATLANTIC
TREATY AND RESTATED THAT TYING IT TO NATO SOFA WAS THE
BEST THAT IT COULD DO. THE GREEK SIDE DID AGREE TO
RESTRICT THE RIGHT OF UNILATERAL TERMINATION TO THE
SITUATION IN WHICH THERE HAD BEEN AN EXTENSIVE EFFORT
TO RESOLVE DIFFERENCES. THE TEXT OF THE DRAFT EXCHANGE
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OF NOTES TO IMPLEMENT THE NEW SOFA HAS BEEN AGREED, AD
REFERENDUMAN AS FOLLOWS:

BEGIN TEXT:

EXCELLENCY:
I HAVE THE HONOR TO REFER TO OUR RECENT NEGOTIATIONS
REGARDING THE STATUS OF UNITED STATES FORCES IN GREECE
AND THE TERMS OF THE ATTACHED AGREEMENT. THE GOVERNMENT OF
THE US IS PREPARED TO IMPLEMENT THE "AGREEMENT
BETWEEN THE GOVT OF THE UNITED STATES OF AMERICA AND
THE GOVT OF GREECE CONCERNING THE STATUS OF UNITED
STATES FORCES IN GREECE" AS ATTACHED HERETO, ON THE FOLLOW-
ING TERMS:

1. THE GOVT OF GREECE AUTHORIZES THE SIZE OF THE CIVILIAN COMPONENT OF THE UNITED STATES FORCES, AS DEFINED IN ARTICLE I OF THE ATTACHED AGREEMENT, TO EXCEED TWENTY-TWO AND ONE-HALF PERCENT OF THE TOTAL CIVILIAN WORK FORCE UNTIL EIGHTEEN MONTHS SHALL HAVE ELAPSED FROM THE EFFECTIVE DATE OF THE ATTACHED AGREEMENT. THE GOVERNMENT OF THE US IN TURN AGREES THAT DURING THIS PERIOD THE SIZE OF THE CIVILIAN COMPONENT SHALL NOT EXCEED TWENTY-FIVE PERCENT OF THE TOTAL CIVILIAN WORK FORCE WITHOUT THE EXPRESS CONSENT OF THE GOVERNMENT OF GREECE.

2. THE ATTACHED AGREEMENT SHALL SUPERSEDE THE "AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF GREECE CONCERNING THE STATUS OF UNITED STATES FORCES IN GREECE," DATED SEPTEMBER 7, 1956, AND THE PROVISIONS OF ALL OTHER EXISTING AGREEMENTS BETWEEN THE TWO GOVERNMENTS RESPECTING THE STATUS OF THE US FORCES, THE MEMBERS OF THOSE FORCES AND OF THE CIVILIAN COMPONENT, AND DEPENDENTS, IN GREECE. UNTIL THE TECHNICAL ARRANGEMENTS CONTEMPLATED BY THE ATTACHED AGREEMENT ARE COMPLETED, PROVISIONS OF EXISTING TECHNICAL ARRANGEMENTS NOT INCONSISTENT WITH THAT AGREEMENT WILL CONTINUE TO APPLY.

3. THE ATTACHED AGREEMENT SHALL ENTER INTO FORCE ON THE THIRTIETH DAY FOLLOWING THE DATE OF THIS EXCHANGE OF NOTES, IN ACCORDANCE WITH THE RESPECTIVE LEGAL PROCEDURES
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OF THE TWO GOVERNMENTS.

4. EITHER GOVERNMENT MAY AT ANY TIME REQUEST REVISION OF ANY ARTICLE OF THE ATTACHED AGREEMENT OR OF ANY PROVISION OF THIS EXCHANGE OF NOTES, IN WHICH CASE THE TWO GOVERNMENTS SHALL ENTER INTO NEGOTIATIONS THROUGH APPROPRIATE CHANNELS. IN THE EVENT THAT SUCH NEGOTIATIONS ARE NOT SUCCESSFUL, EITHER GOVERNMENT MAY TERMINATE THE ATTACHED AGREEMENT UPON NOTICE IN WRITING OF NO LESS THAN TWELVE MONTHS.

5. EXCEPT AS MAY OTHERWISE BE AGREED BY THE TWO GOVERNMENTS, THE ATTACHED AGREEMENT SHALL REMAIN IN EFFECT FOR SO LONG AS THE TWO GOVERNMENTS SHALL CONTINUE TO BE PARTIES TO THE "AGREEMENT BETWEEN THE PARTIES OF THE NORTH ATLANTIC TREATY REGARDING THE STATUS OF THEIR FORCES," DATED JUNE 19, 1951.

IF THE FOREGOING PROVISIONS AND THE AGREEMENT ATTACHED HERETO ARE ACCEPTABLE TO YOUR GOVERNMENT, THIS NOTE AND YOUR EXCELLENCY'S REPLY THERETO INDICATING SUCH ACCEPTANCE SHALL CONSTITUTE AN AGREEMENT BETWEEN OUR TWO GOVERNMENTS

CONCERNING THESE MATTERS.

PLEASE ACCEPT, EXCELLENCY, THE RENEWED ASSURANCES OF
MY HIGHEST CONSIDERATION. END TEXT.

5. THE US SIDE FORMALLY TABLED THE US DRAFT OF A NEW
TAX RELIEF AGREEMENT. IT WAS AGREED THAT THE DRAFT
WOULD PROVIDE THE BASIS FOR FUTURE NEGOTIATION OF A NEW
TAX RELIEF AGREEMENT BY TAX EXPERTS OF THE TWO GOVERN-
MENTS.
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